

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

COMPANY PETITION NO. 171 OF 1989

**OFFICIAL LIQUIDATOR'S REPORT NO. 462 OF 2013
DATED : 30.10.2013.**

In the matter of the Companies Act, I of 1956
AND
In the matter of **M/s. Senior Travels Pvt.
Ltd., (in liquidation)**

M/s. Swiss Air Transport Co. Limited ... Petitioner.

Ms. Radha Bhandari i/by M.V. Kini & Co. for Air India & Indian Airlines.

Mr. Sandeep Dasgupta for the Air India, Indian Airlines, Alitalier Kuwait Airways.

Mrs.Rupa Sutar, AOL is present.

**CORAM : N. M. JAMDAR, J.
DATE : 28 NOVEMBER, 2013**

P.C. :

1 A prayer is sought for dispensing with filing of Misfeasance proceedings and for dissolution of the company under section 481 of the Companies Act, 1956. One of the reasons given in the report is that there are no assets and no amount lying to the credit of the company. However, in the report it is also mentioned that the Ex-Directors have not responded for filing of statement of affairs of the company and it is stated, in the circumstances, that no

useful purpose would be served by keeping the company under liquidation.

2 If the Ex-Directors have not filed the statement of affairs, the official liquidator will not come to know whether there are any assets of the company. Therefore, the fact that the Ex-Directors have not co-operated with the official liquidator cannot be a reason for dissolution of the company. On the other hand, it is a case for proceeding against the Ex-Directors for not filing the returns.

3 The official liquidator will accordingly instead of pressing this report, should file a report, seeking action against the Ex-Directors. It is made clear that the official liquidator will keep in mind the above observations and, before proposing dissolution of the company, shall ensure that all information has been supplied by the Ex-Directors and all efforts are made by the official liquidator to find out assets of the company and it is only when absolutely no further progress is possible in spite of the co-operation from all concerned, the dissolution needs to be proposed.

4 The report is disposed of accordingly.

(N.M.JAMDAR,J.)

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